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## A BILL FOR AN ORDINANCE

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RELATING TO PEDDLING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to allow peddling in certain designated areas.

SECTION 2. The title of Chapter 29, Article 6A, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Article 6A. Peddling by Merchant of a Store on Chinatown Sidewalk or Mall, College Walk Mall, [and] Sun Yat Sen Mall, and Historic Moiliili Sidewalk"

SECTION 3. Section 29-6A.1, Revised Ordinances of Honolulu 1990 is amended by adding a new definition of "Historic Moiliili" to read as follows:

"Historic Moiliili" means the area along both sides of South King Street between Old Stadium Park and Church Lane."

SECTION 4. Section 29-6A.1, Revised Ordinances of Honolulu 1990 is amended by amending the definition of "Portion of a sidewalk or mall usable by a merchant for peddling" to read as follows:

"Portion of a sidewalk or mall usable by a merchant for peddling" means the portion of a Chinatown sidewalk or mall, the College Walk Mall, [or] the Sun Yat Sen Mall, or Historic Moiliili sidewalk upon which a merchant may peddle in accordance with Section 29-6A.2. If the portion is limited by the designated city department pursuant to that section, the phrase means only the limited portion."

SECTION 5. Section 29-6A.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 29-6A.2      Peddling by merchant of a store on a portion of a Chinatown sidewalk or mall, the College Walk Mall, [or] the Sun Yat Sen Mall, or Historic Moiliili sidewalk.**

(a) Except when prohibited under subsection (b):

- (1) A merchant of a store at ground level in Chinatown may peddle on a portion of the sidewalk or mall abutting the store as provided by this article.



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- (2) A merchant of a store that abuts College Walk Mall or Sun Yat Sen Mall at ground level may peddle on a portion of the mall abutting the store as provided by this article.
- (3) A merchant of a store that abuts a Historic Moiliili sidewalk at ground level may peddle on the portion of the sidewalk abutting the store as provided by this article.

Except when limited to a lesser area pursuant to subsection (b), a merchant may peddle:

- (A) [on] On any portion of the sidewalk within 18 inches perpendicular from the merchant's storefront wall; or
- (B) [on] On any portion of the mall within 48 inches perpendicular from the merchant's storefront wall.

Notwithstanding the foregoing, a merchant of a store that abuts a Historic Moiliili sidewalk may peddle on any portion of the sidewalk within 48 inches perpendicular from the merchant's storefront wall except when limited to a lesser area pursuant to subsection (b). In no instance, however, shall the merchant peddle on any portion of a sidewalk or mall that extends laterally past the length of the merchant's storefront.

- (b) (1) The city executive department designated by the mayor shall prohibit a merchant from peddling on any portion of a sidewalk or mall if the department determines that the peddling will result in any of the following:
- (A) [the] The material impedance or obstruction of pedestrian traffic on the sidewalk or mall;
- (B) [a] A violation of the federal Americans with Disabilities Act;
- (C) [the jeopardy of] Jeopardy to the public safety;
- (D) [an] An inconsistency with the objectives of the Chinatown special district as set forth under Section 21-9.60, et seq.; or
- (E) [the] The obstruction of a mailbox, fire hydrant, or curbside teller, freight chute, freight elevator, newsstand, public telephone enclosure, or other structure permitted under Article 8.



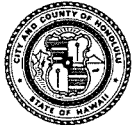
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- (2) Alternatively, the designated city department may limit a merchant to peddling on a portion of a sidewalk or mall less than the 18 inches or 48 inches specified under subsection (a) if the department determines that the limitation is necessary to prevent any of the occurrences listed under subdivision (b)(1)(A) through (E). If imposing the limitation, the designated city department shall notify the merchant of the limited portion of the sidewalk or mall upon which the merchant may peddle.
- (c) No merchant of a store or other person shall violate a prohibition or limitation set by this section or the designated city department concerning the portion of a sidewalk or mall usable or not for peddling."

SECTION 6. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



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SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ann Kobayashi

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DATE OF INTRODUCTION:

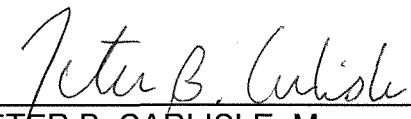
July 5, 2012  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

  
Deputy Corporation Counsel

APPROVED this 27<sup>th</sup> day of September, 2012.

  
PETER B. CARLISLE, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
C E R T I F I C A T E

ORDINANCE 12-33

BILL 53 (2012), CD1

Introduced: 07/05/12 By: ANN KOBAYASHI

Committee: SAFETY, ECONOMIC  
DEVELOPMENT AND  
GOVERNMENT AFFAIRS

Title: A BILL FOR AN ORDINANCE RELATING TO PEDDLING.

Links: [BILL 53 \(2012\)](#)  
[BILL 53 \(2012\), CD1](#)  
[CR-236](#)  
[CR-276](#)

Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

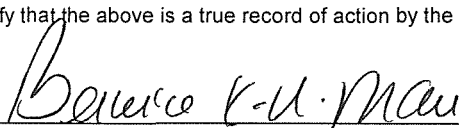
COUNCIL	07/11/12	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	07/24/12	CR-236 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
PUBLISH	08/04/12	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
COUNCIL/PUBLIC HEARING	08/15/12	CR-236 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y		
		NOTE: EFFECTIVE AUGUST 16, 2012, COUNCILMEMBER TULSI GABBARD, REPRESENTING COUNCIL DISTRICT VI, RESIGNED FROM OFFICE. (Refer to Communication <u>CC-231</u> )							
PUBLISH	08/24/12	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
SAFETY, ECONOMIC DEVELOPMENT AND GOVERNMENT AFFAIRS	08/28/12	CR-276 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							

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COUNCIL	09/12/12	CR-276 ADOPTED AND BILL 53 (2012), CD1 PASSED THIRD READING.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y				

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I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
BERNICE K. N. MAU, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER